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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,374	06/22/2001	Stephane Kasriel	155.1005.01	9190
22854	7590	01/14/2005	EXAMINER	
MOORE, HANSEN & SUMNER, PLLP 225 SOUTH SIXTH ST MINNEAPOLIS, MN 55402			VERBRUGGE, KEVIN	
			ART UNIT	PAPER NUMBER
			2188	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/888,374	Applicant(s) KASRIEL ET AL.	
	Examiner Kevin Verbrugge	Art Unit 2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This non-final Office action is in response to the amendment received 12/6/04 which amended claims 21, 25, and 27-29. Claims 1-29 are pending. The arguments have distinguished the claims from the applied reference so the previous rejection is overcome and withdrawn. A new rejection is applied below based on a newly located reference. The drawing objections are withdrawn in light of the specification amendments and comments regarding items 120 and 140. Upon further review, the Examiner determined that there were two sets of the drawings in the case originally, and the set the Examiner was using was defective due to a duplication error leaving a band of information omitted on each page, making the 120 and 140 appear as 20 and 40 respectively. The other set of drawings does not contain this error and is acceptable.

Claim Objections

Claim 28 is objected to because of the following informalities: in line 2, "a perform" should be replaced with --perform a--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14, 17, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by the article "Network Caching Guide: Optimizing Web Content Delivery," by Michael A. Goulde, relevant portions of which are reproduced here (emphasis added, captured with optical character recognition software which may have made errors, refer to original document for exact text).

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The content requested from the Web server (also known as an HTTP server) may be a static HTML page with links to one or more additional files, including graphics. The content may also be a dynamically created page that is generated from a search engine, a database query, or a Web application. The HTTP server returns the requested content to the Web browser one tile at a time. Even a dynamically created page often has static components that are combined with the dynamic content to create the final page.

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Network caching can be applied to content delivered over many different protocols. These include HTTP, NNTP, FTP, RTSP, and others. All are characterized by having some proportion of static content and high utilization. Cache server support for each protocol is, of course, required.

Since the cache must be kept fresh, there will still be traffic from the ISP out to the Internet, even if every bit of content requested by users is in a cache. Page freshness has to be assured, and new content must be downloaded. But by using caching, bandwidth utilization can be optimized. It is even possible to use a cache with dynamic content, since even these pages have some static content that can be served from a cache. Depending on the distribution of traffic and the scalability of the cache, up to 40 percent of user HTTP requests can be taken off the network and served from a cache. This makes networks more efficient, enabling better performance to be offered at lower cost.

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When necessary the proxy cache server will request dynamic and other short-lived content from the origin servers. This enables content from the site to be served from a local cache instead of from the origin server. The proxy server can be optimized for high performance, efficient operation, conserving resources, and off-loading the origin server from serving static content.

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With good design even dynamically generated pages can benefit from caching. By separating the dynamic content of a page from the static content, the static content can be cached and the dynamic content retrieved and downloaded separately.

Advertisers concerned about tracking page views can mark a small part of their page as uncacheable. These pass-through bytes are then used to record a page-view hit or rotate a targeted ad banner. In this way the majority of bytes on the Web page take advantage of the cache while content providers receive accurate page-view statistics.

Regarding claims 1 and 12, Goulde's device performs the claimed steps and includes the claimed elements as indicated in the passages reproduced above.

Regarding claims 2 and 18, Goulde's content includes the claimed information.

Regarding claim 3, Goulde's requesting element is local to a browser associated with the client as claimed.

Regarding claims 4, 13, and 14, Goulde's device redirects the request to a proxy server where the static information is cached as claimed.

Regarding claim 5, Goulde's device identifies a static portion and a dynamic portion in software local to the original server as claimed since the original server is able to provide only the dynamic content when requested.

Regarding claims 6 and 20, since Goulde mentions caching different versions (on pages 28, 33, and 36) for different reasons, his device inherently includes the claimed caching of a tag to provide information regarding the version.

Regarding claim 7, when Goulde's device examines the versions for particular browsers, it can be said to be comparing the different versions.

Regarding claim 8, Goulde's request is performed by a browser as claimed.

Regarding claims 9-11, Goulde's device integrates the portions as claimed.

Regarding claim 17, Goulde's proxy server includes a memory where static information is cached as claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 16, 19, and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the article "Network Caching Guide: Optimizing Web Content Delivery," by Michael A. Goulde.

Regarding claims 15 and 16, Goulde does not explicitly teach where his means for integrating is located. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to locate it in either the client device or the proxy server, for various reasons. It would have been obvious to one of ordinary skill in the art at the time the invention was made to locate it in the client device so the client could request further dynamic data and use it with the same static data later. It would have been obvious to one of ordinary skill in the art at the time the invention was made to locate it in the proxy server to reduce the number of independent data portions transmitted between the proxy server and the client.

Regarding claim 19, Goulde does not teach that his proxy server is logically local to the original server, however, the placement of the proxy server is a design choice and it would have been obvious to one of ordinary skill in the art at the time the invention was made to place it near the original server to reduce the latency in travel time between the two.

Regarding claims 21 and 25, Goulde does not explicitly teach that his method is embodied in software instructions stored on a memory as claimed. However, since the method must either be performed and stored in hardware or software, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

embody his method in software and store it in a memory since this enables flexible storage and modification when necessary.

Regarding claims 22, 23, and 26, Goulde does not teach where the memory storing his instructions is located. Placing it with the browser or the proxy server are two obvious choices for different reasons, subject to design choice.

Regarding claim 24, Goulde's server is included in a content delivery network.

Regarding claims 27-29, the claimed instructions are obvious in light of Goulde's disclosure since he describes the claimed functions and the skilled artisan would have been motivated to implement them in software instructions.

Conclusion

Any inquiry concerning a communication from the Examiner should be directed to the Examiner by phone at (571) 272-4214.

Any response to this action should be labeled appropriately (serial number, Art Unit 2188, and After-Final, Official, or Draft) and mailed to Commissioner for Patents, Washington, D.C. 20231 or faxed to (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

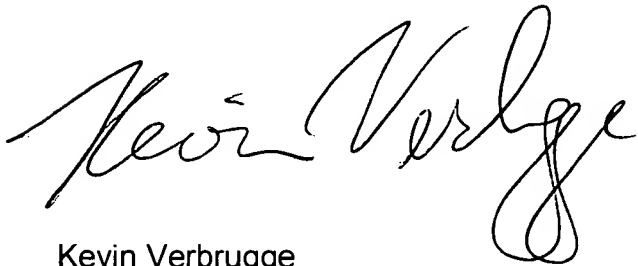
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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197.

A handwritten signature in black ink, reading "Kevin Verbrugge". The signature is fluid and cursive, with the first name "Kevin" and last name "Verbrugge" clearly distinguishable.

Kevin Verbrugge
Primary Examiner
Art Unit 2188